

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16238
[Redacted])	
Petitioner.)	DECISION
)	
)	

On June 29, 2001, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer) proposing income tax, penalty, and interest for taxable years 1997 through 1999 in the total amount of \$29,020.

The taxpayer filed a timely protest. He did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

During the years in question, the taxpayer failed to file Idaho individual income tax returns even though Tax Commission records show he satisfied the requirements stated in Idaho Code § 63-3030 for filing Idaho tax returns. [Redacted] [Redacted] Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency -- Interest.

(1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the taxpayer did not file state income tax returns, the Bureau prepared provisional

returns and issued a deficiency notice. [Redacted] The taxpayer responded with a letter petitioning for a re-determination dated August 31, 2001, from his attorney. The attorney said the taxpayer had engaged a Certified Public Accountant to prepare the missing returns. An executed Power Of Attorney form was attached. In the weeks and months that followed, the taxpayer's attorney made many written and verbal promises to furnish the missing returns. However, neither the attorney nor the taxpayer furnished any new information, and the taxpayer's file was transferred to the Legal/Tax Policy Division of the Tax Commission.

The Tax Appeals Specialist sent the attorney a letter advising him the taxpayer's file had been received in the Legal Division. The attorney responded by letter wherein he asked for a meeting. On March 14, 2002, the Tax Appeals Specialist met with the taxpayer's attorney at his office in Lewiston, Idaho. The attorney explained the circumstances that resulted in the taxpayer not filing his tax returns and his ex-wife filing her returns with a filing status of married filing separate. He said the appropriate filing status for the taxpayer was married filing joint.

The Specialist explained to the attorney that nothing whatsoever had been submitted for tax years 1997, 1998, and 1999 on behalf of the taxpayer. The attorney's response was that the taxpayer's returns were finished and would be immediately mailed to the Tax Commission. The Tax Commission has not received those returns.

The taxpayer does not deny he met the Idaho filing requirements. Yet, he has not filed Idaho income tax returns for 1997 through 1999. In fact, the taxpayer has submitted nothing to the Tax Commission for any of the years at issue.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986).

Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated June 29, 2001, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$5,137	\$1,284	\$1,608	\$ 8,029
1998	6,800	1,700	1,604	10,104
1999	8,468	2,117	1,381	<u>11,966</u>
			TOTAL	\$30,099

Interest is computed through May 15, 2002.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2002.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that I have on this ____ day of _____, 2002, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted] [Redacted]
[Redacted]
[Redacted] [Redacted] [Redacted]

ADMINISTRATIVE ASSISTANT 1